REMARKS

The undersigned attorney and Supervisory Patent Examiner (SPE) Friedman conducted a telephone interview on August 3, 2005. The purpose of the telephone interview was to identify patentable subject matter or agree upon an appealable issue that both the Applicant and the Patent Office would agree to allow for disposition of the issue by the Board of Patent Appeals.

Applicants' attorney indicated that at least one issue included whether the prior art taught when or where (e.g., within a factory) application of adhesive tape to a walkway pad occurred. Applicants' attorney, for purposes of discussing this particular issue, conceded that the walkway pad itself was not novel, that the tape or adhesive applied to the walkway pad was not novel, and that the positioning of the tape on the walkway pad was not novel. Nor did Applicants' attorney believe that this issue turns on whether service personnel created a similar structure by placing adhesive tape on a walkway pad in the field. Indeed, Applicants' attorney directed the SPE's attention to column 17 of U.S. Patent No. 5,563,217 which teaches, at line 4, that the adhesive tape disclosed therein can be applied to walkway pads. In further support of this position, Applicants' attorney also noted that page 2 of the written description, within the "Background of the Invention," is consistent with this understanding. Further, within the Information Disclosure Statement submitted May 16, 2000, Applicants submitted a "Walkway Pad Technical Information Sheet," which further supports this position.

Applicants' attorney nonetheless explained to the SPE, that to his knowledge, there is no prior art reference that teaches or suggests applying the adhesive to the walkway pad during the manufacturing process of making the walkway pad.

The SPE acknowledged that U.S. Patent No. 5,563,217 is silent as to when the tape was applied to either the membrane or the walkway pad.

Each of the independent claims was briefly reviewed over the phone, and the Examiner noted that at least claims 1 and 27 defined "when" the tape was applied. The Examiner indicated that clarification or amendment may be required to better define this aspect for independent claims 8 and 16.

The SPE indicated that he did not believe that the prior art references of record could be employed to maintain a rejection. Before issuing a Notice of Allowance, however, the SPE indicated that he would have another thorough prior art search conducted.

Applicants' attorney also asked the SPE to perform a "*de novo*" review of all issues respecting patentability including a review of all issues under 35 U.S.C. 112. The SPE agreed to do so and indicated that he would carefully review the entire specification.

The SPE indicated that, following the search and his review of the written description, he would contact Applicants' attorney via phone to discuss the results thereof.

Applicants' attorney and the SPE conducted another phone interview on August 19, 2005. During that interview, the SPE opined that claims 8 and 16 require amendment to specify that the application of the adhesive occurred during manufacture of the walkway pad or prior to use in the field. The SPE proposed language similar to that in claim 1 (i.e., "at the location where the pad is manufactured"). Following the telephone interview, Applicant's considered the proposal made by the SPE and have amended claims 8 and 16 as set forth herein. While recitation of claims 8 and 16 do not mirror that of claim 1, Applicants have chosen to employ alternative claim language, yet believe the same still defines over the prior art. In particular, whereas claim 1 specifies a location (i.e., at the location of manufacture), claims 8 and 16 offer temporal limitations defining "when" the adhesive tape is applied to the walkway pad. Applicants believe that the recitation added to claim 8 is supported in the specification at page 8, line 21. Also, Applicants believe that the recitation added to claim 16 is supported at page 7, lines 15-24.

Also, during the telephone interview of August 19, 2005, Applicants' attorney notified the Examiner that Applicants would submit an Information Disclosure Statement citing U.S. Pat. No. 6,080,458, which is a patent that issued from the parent application, and was directed toward an article. Applicants' attorney noted that a restriction requirement had been deemed final during the

prosecution of the parent application between article and method claims, and while the subject "method claims" are not identical to those of the "parent method claims," Applicants' attorney believed that they are likewise directed toward a different and distinct invention. The SPE agreed.

In the event that the SPE was aware of the '458 patent, Applicants' attorney also wished to ensure that the existence of the '458 patent did not impact the Examiner's assessment of patentability of the subject claims. Applicants' attorney opined that the subject claims should be patentable regardless of whether the walkway pad itself (*i.e.* the article of the '458 patent) is patentable. Applicants' attorney also noted that the "Walkway Pad Technical Information Sheet," which is noted above, was not of record during prosecution of the parent.

Applicants do not believe that a petition under 37 C.F.R. §1.136(a), is necessary for filing this Supplemental Response inasmuch as a response to the March 21, 2005, Office Action was timely submitted. Nonetheless, should the Commissioner deem a petition to be necessary for the filing of this Supplemental Response, the same is hereby requested. The fee associated with this conditional request may be paid via Deposit Account No. 06-0925.

No new claims have been added and therefore no additional fees are believed due at this time. Nonetheless, in the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 06-0925.

Respectfully submitted,

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